

# SENATE BILL REPORT

## SB 5215

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As of February 1, 2007

**Title:** An act relating to recreational access to private land.

**Brief Description:** Modifying provisions with regard to recreational activities on certain lands.

**Sponsors:** Senators Jacobsen and Kline.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 1/31/07.

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Staff:** Diane Smith (786-7410)

**Background:** The recreation use immunity statute limits the liability of owners, or those in lawful possession and control, of land and water areas who make those areas accessible to the public for recreational purposes. This limited liability applies to landowners or other lawful occupiers of land who: (1) allow recreational use of their land without charging a fee of any kind; (2) allow fish and wildlife cooperative projects or litter or waste cleanup on their land; or (3) allow the cutting, gathering, and removing of firewood from the land, even when charging an administrative fee of up to \$25. Certain costs to recreational users of the land are not considered fees. These costs include a license or permit issued for statewide use under the fish and wildlife or recreational lands statutes and the daily charge if under \$20 per person, per day, for publicly owned Off-Road Recreational Vehicle (ORV) parks. The recreation use immunity statute does not prevent liability when an injury results from a known, dangerous, artificial, and latent condition for which warning signs have not been conspicuously posted.

**Summary of Bill:** The owner or lawful occupier of private land enjoys limited liability protection even though the recreational users must pay a daily, seasonal, or annual charge for access to the privately owned lands when all the revenues are devoted to land management costs.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Without charging a fee, the landowner can't keep up with the maintenance that the extra use makes necessary. With less and less private

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land available, this bill is a very good step to give greater recreational choices, lower the cost for recreation, provide tourism dollars in rural counties and to help save otherwise unused land from development. It is a great public private partnership.

**Persons Testifying:** PRO: John Eaton, Washington Off Highway Vehicle Alliance, Washington State Trails Coalition; Jack Field, Washington Cattleman's Association.